

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.,
 PELVIC REPAIR SYSTEM
 PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

ORDER

On September 14, 2018, I entered an Order in *In re: Ethicon, Inc.*, 2:12-md-2327 (“MDL 2327”) [ECF No. 6645]. For reasons appearing to the court, it is **ORDERED** that the September 14, 2018, order [ECF No. 6645] is **VACATED** but only as to the following civil action:

Baron, et al. v. Johnson & Johnson

Civil Action No. 2:15-cv-05858.

Now pending in *Baron, et al. v. Johnson & Johnson* is defendants Johnson & Johnson, Ethicon, Inc., and/or Ethicon LLC’s (collectively the “Ethicon defendants”) Motion to Dismiss With Prejudice filed on July 26, 2018 [ECF No. 61]. In this motion, the defendants request dismissal of the Ethicon defendants as to plaintiff Eunice Reid only. Also pending in the *Baron* civil action is the Ethicon defendants’ Motion to Dismiss With Prejudice filed on August 23, 2018 [ECF No. 63]. In this motion, the defendants request dismissal of the Ethicon defendants as to plaintiff Maria Baron only.

In both motions to Dismiss With Prejudice, the Ethicon defendants request dismissal of the Ethicon defendants pursuant to the procedures established by Pretrial Order # 302. *See* Pretrial Order (“PTO”) # 302, *In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation*, No. 2:12-md-2327 (“Ethicon MDL 2327”) [ECF No. 6020]. Neither Eunice Reid or Maria Baron filed an objection and the matter is ripe for consideration.

As stated in PTO # 302, the court established certain procedures to prompt dismissals of settled cases. Under these procedures, the court directed the Ethicon defendants to file a motion to dismiss in each individual case where a plaintiff has provided an executed, valid release, and the defendant has authorized disbursement to the plaintiff of the settlement amount to which the plaintiff's counsel has agreed. Among other requirements, the court also mandated the Ethicon defendants to file a declaration certifying the completion of certain procedures in conjunction with the motion to dismiss.

The Ethicon defendants complied with these directives and procedures, and the plaintiffs have not filed an opposition. It appearing to the court that the plaintiffs, Eunice Reid and Maria Baron and the Ethicon defendants have jointly agreed to settle, and have settled their claims, the dismissal of the Ethicon defendants as to Eunice Reid and Maria Baron is appropriate.

Therefore, it is **ORDERED** that:

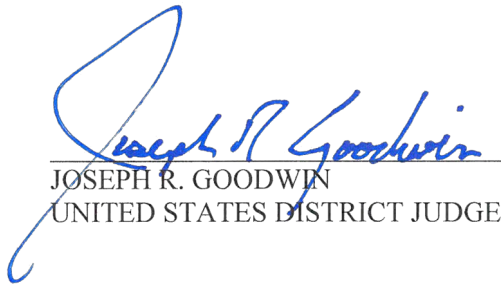
- 1) the Motion to Dismiss with Prejudice [ECF No. 61] is **GRANTED**;
- 2) the Motion to Dismiss with Prejudice [ECF No. 63] is **GRANTED**; and
- 3) the plaintiffs Eunice Reid and Maria Baron only are **DISMISSED WITH PREJUDICE** from this civil action, Other plaintiffs remain, and this case remains on the active docket;

The court **DIRECTS** the Clerk to:

1. file a copy of this order in Ethicon MDL 2327, and in the individual case *Baron, et al. v. Johnson & Johnson*, Civil Action No. 2:15-cv-05858;

2. reinstate the *Baron, et al. v. Johnson & Johnson* civil action to the active docket; and
3. send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: December 6, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE